

### **B31.08 Damages--Wrongful Death--Contributory Fault--Decedent**

If you find that decedent contributed to the total proximate cause of the death of the decedent you shall determine the percentage of contributory (fault) (negligence) of decedent.

If you find that the contributory (fault) (negligence) of the decedent was more than 50% of the total proximate cause of the death of the decedent, then you shall enter a verdict in favor of the defendant(s). If you find that the contributory (fault) (negligence) of the decedent was 50% or less of the total proximate cause of the death of the decedent, then your verdict should be for the plaintiff and you will reduce damages in the manner stated in the instructions.

*Instruction, Notes and Comment revised May 2014.*

#### **Notes on Use**

This instruction should be used whenever there is an issue of contributory fault of the decedent. If there is an issue of the beneficiaries' contributory fault, then also use either IPI B31.08.01 (several beneficiaries) or IPI B31.08.02 (sole beneficiary).